

Application No. 09/729,888
Amendment Dated June 28, 2004
Reply to Office Action of June 15, 2004

REMARKS/ARGUMENTS

By this Amendment claim 19 is amended. Claim 20 is canceled. Claims 10-14, 19 are pending.

The Examiner sets forth that the amendments filed March 19, 2002 and March 16, 2004 are objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure and that 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure according to the Examiner is as follows: The original specification does not provide support for two labels being on one carrier strip. The Examiner believes that the original specification does not provide the method step of selecting an uninvolved body segment from a plurality of uninvolved body segments and that the original drawings only show one figure with the word "no cut" and a scalpel in that figure. According to the Examiner there is no support for two warning labels and there is a lack of support in the original specification for two warning labels. The Examiner further sets forth that there is a lack of support in the original specification for two warning labels and that to insert the limitation of two warning labels into the specification would be new matter.

Applicant is required by the Examiner to cancel the new matter in the reply to the above Office Action.

Pursuant to the telephone conference between the Examiner and the Applicant's representative on June 24, 2004, Claim 20 was canceled and Claim 19 was amended to use language set forth in the original filing. The Applicant respectfully directs the Examiner's attention to the

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printed publication corresponding to the above-referenced application, US 2002/0014029 A1, Claim 4, Line 3, which sets forth “at the intended surgical site.” Additionally, Claim 6, Line 6, sets forth a surgical site “not being the intended surgical site.”

Therefore, “intended surgical site” has been substituted for all occurrences of “involved body segment” in the previously filed Claim 19. Additionally, all occurrence of “uninvolved body segments” have been amended to set forth “sites which are not intended surgical sites” or a cognate thereof.

The Applicant respectfully submits that the language of pending Claim 19 therefore now has antecedent in the specification as required in 35 U.S.C. § 112 and that Claim 19 is therefore enabled. Furthermore, since pending Claim 19 does not stand rejected over any prior art, the Applicant submits that it is now in condition for allowance.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants’ undersigned attorney at the telephone number listed below.

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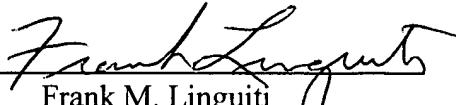
Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

June 28, 2004

Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.

By



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